HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 1434 of 2002

Date of Decision: 3.4.2007

Seevitri ……. Petitioner

Versus

Union of India and Others …….. Respondents.

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Judge.

Whether approved for reporting?

For the petitioner : Mr. Neel Kamal Sharma, Advocate.

For the respondents : Mr. Sandeep Sharma, Asstt. Solicitor General of India.

Sanjay Karol, J. (Oral)

This judgment is being dictated in open Court in presence of the learned counsel for the parties.

Shri Santosh Kumar Singh, recruited as clerk with the respondents while on training met with an accident at Orangabad and succumbed to injuries and died on 10th of May, 1996. His mother, the present petitioner applied for family pension scheme in the year 1996. It seems that the scheme for entitlement of parents for family pension was introduced by the Govt. of India for the first time w.e.f. 21st of July, 1999. There is no dispute that the petitioner herein is entitled for pension under the said scheme. Petitioner has been pursuing her matter with the

Authorities concerned from time to time. Even the office of the Deputy Director, Sainik Welfare, Bilaspur, has been pursuing her case which the other respondents authorised to sanction the pension under the scheme. Respondents in their reply have categorically stated that vide letter dated 28th November, 2000, petitioner was requested to furnish documents with regard to her income and dependency. It seems that there has been no correspondence exchanged between the parties since then.

The learned Assistant Solicitor General, in all fairness, submits that in the event of the petitioner's submitting / furnishing the required documents , the application of the petitioner for family pension in terms of the scheme shall be processed expeditiously. During the course of hearing, learned counsel for the respondents has brought to my notice that vide letter dated 26th July, 2003, (which is not on record), the petitioner has already furnished the requisite information and documents. Since this application is not on record, the learned Assistant Solicitor General is not in a position to verify the correctness of the same. The copy of the letter dated 26.7.2003 has been handed over to the learned Assistant Solicitor General in the Court today to enable him to send it to the concerned authorities.

The respondents are directed to decide the petitioner's application positively within a period of eight weeks from today. If any further / additional document is required to be furnished by the petitioner, she shall be informed at the earliest. Needless to say, the respondents are duty bound to decide the petitioner's application from the date of her entitlement under the scheme.

Learned counsel for the petitioner submits that since there has been laxity and lethargy, and inordinate delay on the part of the respondents in deciding the petitioner's application for pension, she may be awarded interest. Without making any observations on this aspect of the matter, the authorities may consider the same sympathetically.

In order to vindicate any further grievance, it will be open for the petitioner to take all further / additional steps as may be permissible in accordance with law.

(Sanjay Karol),
Judge.

April 3, 2007
(rana)